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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/807,572
Filing Date: March 23, 2004
Appellant(s): MARVIT ET AL.

Chad C. Walters
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/14/08 appealing from the Office action mailed 3/22/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 7-11, 13-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Mosttov (WO 03/001340).

As to claims 1, 21, Mosttov discloses a motion controlled handheld device (Fig. 1) comprising:

a display having a viewable surface and operable to generate an image;

a gesture database (the gesture recognition system 15 in Fig. 2) maintaining a plurality of gestures, each gesture defined by a motion of the device with respect to a first position of the device (see page 6, lines 22-28; page 7, line 29 to page 8, line 2), the gestures comprising symbol gestures each corresponding to a character from a preexisting character set (page 8, lines 1-2);

an application database (28 in Fig. 2) maintaining at least one application (page 8, lines 8-16);

a gesture mapping database (24 in Fig. 2) comprising a gesture input map for the application (page 8, lines 17-23), the gesture input map comprising mappings of the symbol gesture to the corresponding input for the application (page 8, lines 24-28);

a motion detection module (sensors 12 in Fig. 2) operable to detect motion of the handheld device within three dimensions and to identify components of the motion in relation to the viewable surface (page 7, lines 16-25); and

a control module (Fig. 2) operable to load the application, to track movement of the handheld device using the motion detection module (12), to compare the tracked movement against the symbol gestures to identify a matching symbol gesture, to identify, using the gesture

input map, the corresponding input mapped to the matching symbol gesture, and to provide the corresponding input to the application (see page 7, line 26 to page 8, line 34 for example).

In addition, Mosttov teaches a set of the inputs map to commands of the application (pages 8, lines 8-11), and page 8, lines 1-11 of Mosttov also teaches the symbol gestures are logically associated with names of the commands (e.g., keystroke “x” is name of a command for entering the keystroke “x” within an application).

As to claims 2-4, page 8, lines 1-2 of Mosttov teaches the gestures can be tracing of letters or numbers, this reads on the preexisting character set comprises a written character set, alphanumeric character or pictographic characters.

As to claim 7, page 8, lines 1-2 of Mosttov also teaches the gestures can be tracing of letters or numbers, this reads on the symbol gesture is defined by a single continuous sequence of accelerations defined with respect to the first position.

As to claim 8, Fig. 5 of Mosttov teaches the device comprising three accelerometers (40) for detecting acceleration along three axes, the gesture database, the motion detection module and the control module as claimed.

Claims 9-11, 13-20, which are method claims corresponding to the above apparatus claims 1-8, are rejected for the same reasons as stated above since such method "steps" are clearly read on by the corresponding "means".

(10) Response to Argument

Appellants' remarks regarding Mosttov (pages 14-16 of the Brief) in that “There is no disclosure that a symbol gesture is logically associated with a name of an application command”

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and Mosttov's "keystroke "x" is merely the name of a keystroke and not the name of an application command" are not persuasive. Mosttov on page 8, lines 1-11 states

The gestures be either simple, e.g., circular motion or shaking, or complex, e.g., tracing of letters or number. Once the parser 24 identifies the gesture, it generates a token 26 that is directed to an application 28 running on the electronic device 10. The tokens generated by parser 26 represent specific gestures, but the command or data represented by the tokens are left undefined. Instead, **the tokens are interpreted by the application 28 (although the tokens might have default interpretations given by an operated system or by the parser, e.g., an 'x-gesture' is interpreted as the keystroke 'x')**. This permits different applications to assign different actions or meanings to the tokens. For example, one application can assign a token for a shaking motion to a command to close the application, whereas another application can assign a token for a shaking motion to a data input, such as a letter or number (emphasis added).

The portion of Mosttov quoted above clearly teach an "x-gesture" is interpreted by the application 28 as a keystroke "x", where "x-gesture" is the symbol gesture and keystroke "x" is a command for entering "x". Thus, the "x-gesture" is logically associated with a command named "keystroke x", which reads on "the symbol gestures are logically associated with names of the commands" as recited in claim 1. Appellants' remarks are not persuasive since appellants are confused and misconstrued the two examples given by Mosttov. As clearly stated by Mosttov "the command or data" are left undefined and interpreted by the applications themselves, therefore, the keystroke "x" is the name of a command for entering "x".

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Regina Liang (AU 2629)

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